

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

EL PASO COUNTY, TEXAS; BORDER
NETWORK FOR HUMAN RIGHTS,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States of America, *et al.*

Defendants.

Case No. EP-19-CV-66-DB

**SUPPLEMENT TO NOTICE OF DECISION BY THE DEPARTMENT OF DEFENSE
TO AUTHORIZE BORDER BARRIER PROJECTS PURSUANT TO 10 U.S.C. § 2808**

On September 3, 2019, Defendants notified the Court and parties that the Secretary of Defense had authorized eleven border barrier projects in California, Arizona, New Mexico, and Texas pursuant to 10 U.S.C. § 2808. *See* ECF No. 112. To fund the projects, the Secretary of Defense authorized the Department of the Army to expend up to \$3.6 billion in unobligated military construction funds. *See id.* The Secretary of Defense directed that, initially, only funds associated with deferred military construction projects located outside of the United States will be provided to the Department of the Army. *See id.* Deferred military construction projects outside of the United States account for \$1.8 billion of the required funds. *See id.* The remaining \$1.8 billion associated with deferred military construction projects located in the United States (including U.S. territories) will be made available to the Secretary of the Army when it is needed for obligation. *See id.* As a supplement to Defendants' notice, the list of unobligated military construction projects currently identified for deferral is attached as Exhibit 1.

Dated: September 5, 2019

Respectfully submitted,

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Michael J. Gerardi
Michael J. Gerardi